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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,990

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Bogdan Pavlic

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EXAMINER

HAIDER, FAWAAD

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,990	Applicant(s) PAVLIC ET AL.	
	Examiner FAWAAD HAIDER	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-29 and 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/13/04, 7/22/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 16-28 and 31-35 in the reply filed on 3/25/2009 is acknowledged. Applicant's arguments, with respect to the restriction between claims 16-28/31-35 and claim 29 have been fully considered and are persuasive. The restriction of claim 29 has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The terms "releasably coupling" and "processable" in claims 16 and 29 are relative terms which render the claim indefinite. The terms "releasably coupling" and "processable" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the

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differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16-29 and 31-35 are rejected are rejected under 35 U.S.C. 103(a) as being unpatentable over Adolph (EP 1,120,761) in view of Rossmann (EP 0,848,360).

Re Claims 16, 29: Adolph wherein said mobile phone is being connected to said payment center via said mobile cellular telephone network (see [0022]); said payment center and the said payment terminal are being connected via a second direct connection (see [0021]); discloses a first interface means for releasably coupling said mobile phone to the payment terminal device to transfer data information between said mobile phone and said payment device (see [0022]); second interface means for coupling said payment terminal device and said payment center, to transfer data information between said payment terminal device and said payment center (see [0024]); and data processing means coupled to said first and said second interface means for processing data received from said first and said second interface means and for generating data to be sent to said first and/or said second interface means (see [0006], Figure 1); wherein said first interface means comprise coupling means for coupling said first interface means to said mobile phone, for transferring data between said mobile phone and said processing means via said first interface means, and a modem

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being coupled to said coupling means for converting the data transferred between said mobile phone and said processing means via said first interface means (see [0023]); and wherein said second interface means comprises means for converting data transferred between second interface means and said payment center into data processible by said processing means and said payment center and vice versa (see [0024]).

However, Adolph fails to disclose the following limitations. Meanwhile, Rossmann discloses wherein data transferred between said processing means and said mobile phone via said modem are transferred between said modem and said mobile telephone as sound data or acoustic data (see col.5, lines 34-35 and col.6, lines 45-47). From the teaching of Rossmann, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adolph's invention with Rossmann's use of sound/acoustic data in order so that there is "a physical or acoustic connection between them... (see col.6, lines 45-46)."

Re Claim 17: Adolph discloses wherein said data transfer between said mobile phone and said payment terminal device is a one-way data transfer (see [0008]).

Re Claims 18-21, 31-33: Adolph fails to disclose the following. Meanwhile, Rossmann discloses wherein said coupling means has an acoustic coupler for transferring sound data or acoustic data between said mobile phone and said payment terminal device. Rossmann also discloses wherein the acoustic coupler has a microphone/speaker for coupling to a speaker/microphone of a mobile phone. Rossmann also discloses wherein a distance between said microphone

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and said speaker is adjustable in order to adapt said acoustic coupler to different types of mobile phones (see col.5, lines 34-35 and col.6, lines 45-47). From the teaching of Rossman, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adolph's invention with Rossmann's use of sound/acoustic data in order so that there is "a physical or acoustic connection between them... (see col.6, lines 45-46)."

Re Claims 22, 34, 35: Adolph discloses wherein the data processing means comprises at least a communication processor having cryptographic capability (see [0008]).

Re Claim 23: Adolph discloses wherein the payment terminal device comprises data input means (see [0022-0024]).

Re Claim 24: Adolph discloses wherein the data input means comprises at least one keyboard (see [0008]).

Re Claim 25: Adolph discloses wherein the payment terminal device comprises a printer (see [0022-0024]).

Re Claim 26: Adolph discloses wherein the payment terminal device comprises a display (see [0022-0024]).

Re Claim 27: Adolph discloses wherein the payment terminal device comprises an interface to a vending machine (see [0022-0024]).

Re Claim 28: Adolph discloses with an integrated payment terminal according to claim 16 (see [0022-0024]).

Conclusion

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627

